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Attorneys for Defendant
FibroGen, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PEIFA XU, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

FIBROGEN, INC., ENRIQUE CONTERNO,
JAMES SCHOENECK, and K. PEONY YU,

Defendants.

Case No.: 3:21-cv-02623-EMC

CLASS ACTION

**JOINT STIPULATION AND ~~[PROPOSED]~~
SCHEDULING ORDER**

Date: Thursday, July 22, 2021
Time: 1:30 p.m.
Place: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

ROBERT GUTMAN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FIBROGEN, INC., ENRIQUE CONTERNO,
and JAMES SCHOENECK,

Defendants.

Case No.: 4:21-cv-02725-YGR

CESARE GRAZIOLI, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FIBROGEN, INC., ENRIQUE CONTERNO,
JAMES SCHOENECK, and K. PEONY YU,

Defendants.

Case No.: 3:21-cv-03212-CRB

IBEW LOCAL 353 PENSION PLAN, on
Behalf of Itself and All Others Similarly
Situated,

Plaintiff,

v.

FIBROGEN, INC., ENRIQUE CONTERNO,
JAMES A. SCHOENECK, and K. PEONY
YU,

Defendants.

Case No.: 3:21-cv-03396-EJD

THOMAS LEONARD, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FIBROGEN, INC., ENRIQUE CONTERNO,
JAMES SCHOENECK, and K. PEONY YU,

Defendants.

Case No.: 3:21-cv-03370-EMC

This stipulation is entered into between Lead Plaintiff Movant Employees' Retirement System of the City of Baltimore, City of Philadelphia Board of Pensions and Retirement, and Plymouth County Retirement Association (the "Retirement Systems"), Lead Plaintiff Movant Vincente Sepulveda ("Sepulveda"), Lead Plaintiff Movant Stefano Branca and Giuliana Mollo ("Branca and Mollo"), and Defendants FibroGen, Inc. ("FibroGen" or the "Company") (collectively with the Retirement Systems, Sepulveda, and Branca and Mollo, the "Parties").

1 WHEREAS, on April 12, 2021, plaintiff Peifa Xu (“Plaintiff”) commenced the
 2 above-captioned putative securities class action, Case No. 3:21-cv-02623 (“*Xu* Action”), against
 3 defendants FibroGen, Inc., Enrique Conterno (“Conterno”), James Schoeneck (“Schoeneck”), and
 4 Peony Yu (“Yu”), asserting claims under the Securities Exchange Act of 1934 (“Exchange Act”);

5 WHEREAS, additional lawsuits were filed thereafter asserting claims under the Exchange Act,
 6 including *Robert Gutman v. Fibrogen Inc., et al*, No. 4:21-cv-02725 (“*Gutman* Action”), *Grazioli v.*
 7 *Fibrogen Inc., et al*, No. 3:21-cv-03212, *IBEW Local 353 Pension Plan v. FibroGen, Inc., et al*, No.
 8 3:21-cv-03396, and *Leonard v. Fibrogen, Inc., et al*, No. 3:21-cv-03370;

9 WHEREAS, the Private Securities Litigation Reform Act of 1995 (“PSLRA”) dictates
 10 procedures for the administration of federal securities class actions (*see* 15 U.S.C. § 78u-4), including
 11 the appointment of a lead plaintiff to act on behalf of the asserted class (*see id.* at § 78u-4 (a)(3)(B)(ii));

12 WHEREAS, Plaintiff Xu published notice of this action to the putative class on April 12, 2021
 13 as required by the PSLRA; WHEREAS, on April 16, 2021, the Initial Case Management Conference
 14 in the *Xu* Action was scheduled for July 15, 2021 at 9:30 a.m.;

15 WHEREAS, on April 16, 2021, plaintiff Xu served FibroGen copies of the Complaint,
 16 Summons and related documents in the *Xu* Action;

17 WHEREAS, FibroGen was not served in any of the other lawsuits and none of the individual
 18 defendants have been served in any of the actions;

19 WHEREAS, on May 5, 2021, Plaintiff Xu and FibroGen stipulated that FibroGen is not
 20 required to respond to the complaint in this action or in any action consolidated with this action until
 21 after the Court has designated a Lead Plaintiff and approved Lead Plaintiff’s selection of Lead Counsel
 22 (ECF No. 14);

23 WHEREAS, motions for the consolidation of related actions and for appointment of a lead
 24 plaintiff and lead counsel pursuant to the PSLRA were filed with the Court on June 11, 2021 by the
 25 Retirement Systems, Sepulveda, Branca and Mollo, Brett Richard (“Richard”), and Thomas Leonard
 26 (“Leonard”);

1 WHEREAS, on June 14, 2021, the *Gutman* action was voluntarily dismissed without prejudice;

2 WHEREAS, also on June 14, 2021, Richard filed a notice of withdrawal of his motion to
3 consolidate related actions and for appointment of lead plaintiff and lead counsel, and Leonard filed a
4 notice of non-opposition to competing motions for consolidation of related actions and appointment
5 of a lead plaintiff and lead counsel on June 25, 2021, leaving the Retirement Systems, Sepulveda, and
6 Branca and Mollo as the remaining Lead Plaintiff movants;

7 WHEREAS, on July 6, 2021, the Clerk entered a notice rescheduling the Initial Case
8 Management Conference from July 15, 2021 to July 22, 2021 at 1:30 p.m;

9 WHEREAS, the pending motions for consolidation are unopposed;

10 WHEREAS, because Lead Plaintiff and Lead Counsel in the Action have not yet been
11 appointed by the Court, it is unclear at this time who will ultimately act on behalf of the asserted class
12 as well as whether the Court-appointed Lead Plaintiff will file a consolidated complaint or stand on
13 the existing Complaint filed in the Action;

14 NOW THEREFORE, the Parties, by and through their undersigned counsel, agree and stipulate
15 to the following:

16 1. The Initial Case Management Conference scheduled for July 22, 2021 and any related
17 deadlines are vacated and shall be rescheduled, if necessary, following the Court's ruling on any of
18 Defendants' anticipated motion(s) to dismiss the consolidated complaint designated by the court-
19 appointed lead plaintiff, on dates to be selected by the Court;

20 2. Within twenty-one (21) days after the Court appoints the Lead Plaintiff and Lead
21 Counsel in the Action, the Lead Plaintiff and Defendants will submit to the Court a proposed schedule
22 for: (i) Lead Plaintiff's filing of a consolidated complaint or designating the previously filed Complaint
23 as operative; and (ii) Defendants' time to answer or otherwise respond to the operative complaint.

1 **IT IS SO STIPULATED.**

2 Dated: July 14, 2021

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6 /s/ Jessica Valenzuela Santamaria
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8 *Attorneys for Defendant*
FibroGen Inc.

9
10 Dated: July 14, 2021

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23 *Attorneys for Vicente Sepulveda*

1 Dated: July 14, 2021

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17 *City of Baltimore, City of Philadelphia Board of*
18 *Pensions and Retirement, and Plymouth County*
19 *Retirement Association, and Proposed Lead*
20 *Counsel for the Class*
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1 Dated: July 14, 2021

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Attorneys for Branca and Mollo

20 * * *

ORDER

21 IT IS SO ORDERED.

22 DATED: July 14, 2021

23 
24 THE HONORABLE EDWARD M. CHEN
25 UNITED STATES DISTRICT JUDGE

26 ATTESTATION PURSUANT TO CIV. L.R. 5-1(i)(3)

27 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document
28 has been obtained from the other signatories.

Dated: July 14, 2021

/s/ Jessica Valenzuela Santamaria
Jessica Valenzuela Santamaria